

ORDINANCE NO. 11-33

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TEMPORARY WAIVER OF PLAT ON CONDITION THAT THE PROPERTY IS PLATTED WITHIN 18 MONTHS FROM THE EFFECTIVE DATE OF THIS ORDINANCE; AND GRANTING A VARIANCE PERMIT TO ALLOW A SINGLE FAMILY HOME ON EACH OF TWO SUBSTANDARD-SIZED LOTS HAVING A WIDTH OF 37.5 FEET, WHERE A MINIMUM AVERAGE WIDTH OF 75 FEET IS REQUIRED, A TOTAL AREA OF 5,147 SQUARE FEET, MORE OR LESS, WHERE A TOTAL AREA OF AT LEAST 7,500 SQUARE FEET IS REQUIRED, CONTRA TO HIALEAH CODE § 98-499. **PROPERTY LOCATED AT 4755 EAST 4 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of May 11, 2011, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a temporary waiver of plat on condition that the property is platted within 18 months from the effective date of this Ordinance.

Section 2: The below-described property is hereby granted a variance permit to allow a single-family home on each of two substandard-sized lots having a width of 37.5 feet, where an average width of 75 feet is required, and a total area of 5,147 square feet, more or less, where a total area of at least 7,500 square feet is required, contra to Hialeah Code § 98-499, which provides in pertinent part: “The minimum building site in the R-1 one-family district shall be one lot or parcel of land containing at least 7,500 square feet of area for each one-family. Such parcels or lots shall have an average width

of at least 75 feet and shall also have a minimum average depth of 100 feet. ”. Property located at 4755 East 4 Avenue, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOTS 4, 5, AND 6, IN BLOCK 57-F, OF SIXTEENTH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, AT PAGE 53, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND THAT PORTION OF THE WEST ½ OF THE 12 FOOT ALLEY LYING EAST AND ADJACENT THERETO, CLOSED AND VACATED FROM PUBLIC USE PURSUANT TO HIA. ORD. 94-07 (JANUARY 25, 1994) AND FILED FOR RECORD IN OFFICIAL RECORDS BOOK 18608, AT PAGE 2227, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

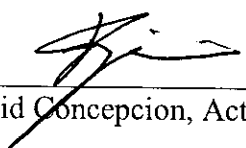
PASSED and ADOPTED this 14th day of June, 2011.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia Martinez
Council President

Attest:

Approved on this ____ day of _____, 2011.


David Concepcion, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, García-Martínez, Gonzalez, and Yedra voting "Yes", Cue –Fuente absent.